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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,048	06/20/2001	Francois Cunchon	T2147-907310	2706

7590

07/28/2003

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EXAMINER

NGUYEN, THAN VINH

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 07/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/884,048

Applicant(s)

CUNCHON ET AL.

Examiner

Than Nguyen

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 20 June 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

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Commissioner for Patents

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### **DETAILED ACTION**

1. Claims 9-17 are pending.
2. The IDS and Preliminary amendment, filed 6/20/01, have been entered and considered.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

4. The corrected or substitute drawings were received on 6/20/01. These drawings are acceptable.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, Applicant claims a method for automatically starting a computing machine. However, in claim 17, Applicant claims a method of manufacturing the machine. It is vague and unclear as what Applicant is trying to claim (a method for starting a computing machine or a

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method for manufacturing the computing machine). These are two unrelated and different methods. Without knowing what is being claimed, the scope of the claim cannot be determined.

7. Claim 17 recites the limitation "the second, third, and fourth steps" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold et al (US 5,128,995), hereinafter as Arnold.

**As to claim 9:**

Arnold teaches the claimed computing machine comprising a RAM (RAM 32) and a mass memory (hard disk 62) in which an operating system is stored, characterized in that the mass memory comprises a partition (4/29-30, 4/59-60, 9/39-40, 10/43-62) that is read-only accessible to the operating system (protected region 4/5-17), said partition containing a startup function (reset/boot-up 4/14-15, 6/58-68), an automatic repair function (error detect/repair; 4/25, 4/65), and a function for mounting said operating system (mount/load operating system image; 4/14-30, 4/65-5/13, 11/42-12/64).

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**As to claim 10:**

Arnold teaches the startup function comprises a first code sequence for loading the contents of the partition into RAM (load boot image; 4/14-30) and a second code sequence for activating in RAM said automatic repair function (in case of error.; 4/25-30, 4/65-68, 9/40-47).

**As to claim 11:**

Arnold teaches a third code sequence that calls said mounting function, executable in RAM with write capability in at least one other partition of the mass memory (if error detected, load in system reference diskette image or system reference image, 4/25-30, 5/10-13, 20/30-41,63-68).

**As to claim 12,13:**

Arnold teaches a fourth code sequence for acknowledging an error indicated by said mounting function and a fifth code sequence for restarting the machine after the acknowledgment of the error (after error detected, boot another image; 4/14-30, 4/25-30, 5/10-13, 18/8-18, 20/30-41,63-68)..

**As to claim 14:**

Arnold teaches the mass memory is a hard disk (hard disk 62).

**As to claim 15:**

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Arnold teaches a switch for resetting the RAM and restarting the machine (reset/reboot switch, 6/65-68, 15/44-50).

**As to claim 16:**

Arnold teaches a method for automatically starting a computing machine comprising a RAM (RAM 32) and a mass memory (hard disk 62), characterized in that it comprises:

a first step (14) that starts the machine by means of a signal (reset/reboot signal; 4/15, 6/58-68);

a second step that automatically loads into RAM the contents of a partition of the mass memory (4/14-18);

a third step that automatically mounts an operating system from the RAM (mount operating system; 4/14-30, 6/65-5/12);

a fourth step that automatically acknowledges any error indicated in the third step and that reactivates the second step ( after error detected, boot another image; 4/14-30, 4/25-30, 5/10-13, 18/8-18, 20/30-41,63-68).

**As to claim 17:**

Arnold teaches in the manufacturing phase of the machine (1):


a fifth step that creates partitions in the mass memory (partitions are created 4/29-30, 4/59-60, 9/39-40, 10/43-62);

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a sixth step (12) that stores at least part of the operating system and functions for executing the second, third and fourth steps in a first partition a seventh step that declares said first partition to be read-only accessible to said operating system (operating system image is stored in hard disk partition(s) and is read-only by operating system; 4/1-20) .

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is (703) 305-3866. The examiner can normally be reached on M-F from 8:00 a.m. to 3:00 p.m. EST.
12. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.
13. The fax phone number for Art Unit 2187 is 703-308-9051 or 703-308-9052.



Than Nguyen

Primary Patent Examiner

July 24, 2003